

Summons in a Civil Action (Rev 11/97)

FILED

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA
CLERK OF COURT
SOUTHERN DISTRICT OF CALIFORNIA

LYMS, INC.; WENDY YOUNGREN
 AND CATHY MEANS AS SUCCESSOR
 TRUSTEES OF THE LYMS 401(k)
 SAVINGS PLAN vs

BRUCE MILLIMAKI AND MICHAEL
 EFFERT, FORMER TRUSTEES OF
 THE LYMS 401(k) SAVINGS
 PLAN; GARY BERMAN,
 INDIVIDUALLY.
 Defendants

BY:

DEPUTY

SUMMONS IN A CIVIL ACTION

Case No. 08-cv-1210-JLS-NLS

FIRST AMENDED COMPLAINT FOR BREACHES
 OF FIDUCIARY DUTY UNDER THE EMPLOYEE
 RETIREMENT INCOME SECURITY ACT
 ("ERISA"), 29 U.S.C. Section 1001
 et seq.; NEGLIGENCE AND BREACH OF
 CONTRACT UNDER 29 USC Section 1367(a)

TO: (Name and Address of Defendant)

BRUCE MILLIMAKI
 c/o STEPHEN L. SCHREINER, ESQ.
 SOLOMON WARD SEIDENWURM & SMITH, LLP
 401 B Street, Suite 1200
 San Diego, CA 92101

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
 serve upon PLAINTIFF'S ATTORNEY

PETA LEWIS HALLISEY
 BRANTON & WILSON, APC
 701 B STREET, SUITE 1255
 SAN DIEGO, CA 92101

An answer to the complaint which is herewith served upon you, within 20 days after
 service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
 by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

By

, Deputy Clerk

JUL 23 2008

DATE

Summons in a Civil Action

Page 1 of 2

HODMAVPCDOCWSWORDPERFECT14431 May 5, 1999 (11:34am)

Page 2 of 2

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

JUDGMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN

THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION
AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY

CONSENT FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT
MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(c) YOU ARE HEREBY NOTIFIED THAT A U.S.

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

Address of Server

92101

Signature of Server

701 B Street, Suite 1255, San Diego, CA

Executed on: 7/24/08

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in
the Return of Service is true and correct.**DECLARATION OF SERVER**

TRAVEL		SERVICES	TOTAL \$0.00
--------	--	----------	--------------

STATEMENT OF SERVICE FEES Other (Specify): _____ Return unexecuted: _____

Name of person with whom the summons and complaint were left: Linda Petters

 Discretion then residing therein:

Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and

 Served personally upon the defendant. Place where served: _____

Check one box below to indicate appropriate method of service

NAME OF SERVER	PAMELA R. REESE	TITLE	LEGAL ASSISTANT
Service of the Summons and Complaint was made by me	DATE	7/24/08	
RETURN OF SERVICE			